

CASE CLOSURE FORM

Name of Cases: City of Bethany Water Plant

Docket Number: CAA-06-2005-3551

Date Complaints Issued: 06-6-2005

Date Concluded: 11-15-2005

How Concluded: Paid Penalties; Submitted RMPs



Date of Case Conclusion Data Sheets: 11-30-2005

Date Penalty Due: 1,580.00

Date Penalty Collected: 07-22-2005

Additional Settlement Conditions:

Date Settlement Conditions Satisfied:

 
Case Handler

12-6-05
Date

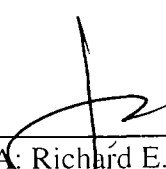
Dr. ICIS



CONCURRENCE ROUTING RISK MANAGEMENT PLAN (RMP)
ENFORCEMENT

TYPE OF ACTION: Final Order of Expedited Settlement Agreement (ESA)

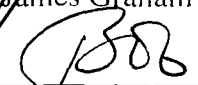
City of Bethany Water Plant
Bethany, OK


6RA: Richard E. Greene

Date:


6SF-RC: James Graham

11/9/05
Date:


6SF-RC: Bob Goodfellow

11-8-05
Date:

When Concurrence is completed please contact Elizabeth Rogers at (x6708) for pickup.

NOV 08 2005



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

NOV 16 2005

Mr. Reggie Bartlett
Water Plant Superintendent
City of Bethany
8308 NW 50th
Bethany, OK 73008

Re: Expedited Settlement Agreement-Final Order
Docket No. CAA-06-2005-3551

Dear Mr. Bartlett:

Enclosed for your records is a copy of the fully executed Expedited Settlement Agreement (ESA) for the CAA 112(r) violation found at the City of Bethany Water Plant located in Bethany, Oklahoma.

If you have any questions regarding this matter, please do not hesitate to call. I may be reached by phone at (214) 665-6632 or by email at GOODFELLOW.BOB@EPA.GOV.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Goodfellow", with a long horizontal line extending to the right.

Bob Goodfellow
Response and Prevention Branch
EPA Region 6

Enclosure

NOV 16 2005

Mr. Reggie Bartlett
Water Plant Superintendent
City of Bethany
8308 NW 50th
Bethany, OK 73008

Re: Expedited Settlement Agreement-Final Order
Docket No. CAA-06-2005-3551

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If you have any questions regarding this matter, please do not hesitate to call. I may be reached by phone at (214) 665-6632 or by email at GOODFELLOW.BOB@EPA.GOV.

Sincerely,

Bob Goodfellow
Response and Prevention Branch
EPA Region 6

Enclosure

REQUEST FOR APPROVAL OF FINAL ORDER
EXPEDITED SETTLEMENT AGREEMENT

SUMMARY OF CASE

RESPONDENT: City of Bethany Water Plant

VIOLATION: Failure to file an RMP

PENALTY AMOUNT: \$ 1,580.00

STAKE HOLDER ISSUES: None

CASE CONTACT: Bob Goodfellow, ext. x6632

Case Conclusion Data Sheet

A. Case and Facility Background

1. Enforcement Action ID CAA-06-2005-3551

2. Enforcement Action Name Bethany City of

3. Settlement Action Type

☐ (a) Consent decree or court order resolving a judicial action

☐ (b) Admin. Compliance Order (with/without injunctive relief)

☒ (c) Admin. Penalty Order (with/without injunctive relief)

☐ (d) Notice of Determination

☐ (e) Federal Facility Compliance

Agreement (not incl. RCRA matters)

☐ (f) Superfund Administrative Order for Cost Recovery

4. Was Alternative Dispute Resolution used in this action (Y/N)

5. Was an Environmental Management System requested (Y/N)

6. Administrative Action Date: Final Order Issued: _____

or

Civil Action Date: _____

CD Lodged _____ CD Entered _____

7. Respondent(s) _____

8. Federal Statute(s) violated (e.g., CAA, EPCRA, etc.) (Not U.S.C. or CFR) CAA 112(r)

9. Facility Name(s) Bethany City of

10. Facility Address(s) Street: 8308 NW 50th City: Bethany County: _____

St: Oklahoma Zip: _____

B. Penalty (if there is no penalty, enter 0 and proceed to #15)

11. For multimedia actions, Cash Civil Penalty Amount Required by statute:

Statute

Amount

_____ \$ _____

12. Federal Penalty Required \$ 1,580.00

13. (if shared) State/Local Penalty Amount \$ _____

C. Cost Recovery

14. Amount cost recovery Required: \$ _____ EPA \$ _____ State and/or Local Government

\$ _____ Other

D. Supplemental Environmental Project (SEP) Information (Y/N) If Yes, for each SEP provide the following:

15. Is Environmental Justice addressed by impact of SEP? (Y/N)

16. SEP description

17. Category of SEP(s)

☐ (a) Public Health

☐ (b) Pollution Prevention (Complete Q. 19)

☐ (1) equipment/technology modifications

☐ (2) process/procedure modification

☐ (3) product reformulation/redesign

☐ (4) raw materials substitution

☐ (5) improved housekeeping/O&M/training/inventory-control

☐ (6) in-process recycling

☐ (7) energy efficiency/conservation

☐ (c) Pollution Reduction (Complete Q. 19)

☐ (d) Environmental Restoration and Protection

☐ (e) Assessments and Audits

☐ (f) Environmental Compliance Promotion

☐ (g) Emergency Planning and Preparedness

☐ (h) Other Program Specific SEP

18. Cost of SEP. Cost calculated by the Project Model is required. \$ _____

19. Quantitative environmental pollutants and/or chemicals and/or waste-streams, amount of reductions/eliminations (e.g., emissions/discharges)

ENVIRONMENTAL BENEFIT OF SEP

<u>Pollutant/Chemical/Waste Stream</u>	<u>Amount</u>	<u>Units (circle one)</u>	<u>Potentially Impacted Media</u>
		Pounds/yr	Air
		People	Land
		Acres	Water (navigable/surface)
		Linear Feet ss	Water (wetlands)
		Linear Feet ms	Water (wastewater to a POTW)
		Linear Feet ls	Water (underground source of drinking water)
		Gallons/yr	Water (ground)
		Pounds	Animals/Plants/Humans
			Buildings/Houses/Schools

E. Injunctive Relief/Compliance Actions (Non-SEP)(APO's w/o inj. relief [4©) above], Superfund Admin Cost Recovery Agreements[4(f) above] **SKIP THIS SECTION)**

20. What action did violator accomplish prior to receipt of settlement/order or will take to return to compliance or meet addl. requirements (other than what has already been reported on the Inspection Conclusion Data Sheet (ICDS)). This may be due to settlement/order requirements or otherwise required by statute or regulation (e.g. actions related to an APO which did not specify compliance requirements). Where separate penalty and/or compliance orders are issued in connection w/same violation(s), report the following information for only one. Select response(s) from the following:

Actions with Direct Environmental Benefits and/or Direct

Response/Corrective Action

- ☐ Source Reduction/Waste Minimization (RCRA)
- ☐ Industrial/Municipal Process Change (includes flow reduction)
- ☐ Emissions/Discharge Change (e.g. end-of-pipe treatment)
- ☐ Implement Best Management Practices (BMPs)
- ☐ Wetlands Mitigation
- ☐ In-situ and Ex-situ Treatment (CERCLA/RCRA Corrective Action)
- ☐ Waste Treatment (RCRA/TSCA)
- ☐ Removal of Spill
- ☐ Removal of Contaminated Medium-(soil, drums etc.)
- ☐ Containment (CERCLA)
- ☐ Leak Repair (CAA)
- ☐ Import Denied (FIFRA)
- ☐ Pesticide Destroyed (FIFRA)

Preventative Actions to Reduce Likelihood of Future Releases

- ☐ Disposal Change
- ☐ Storage Change
- ☐ Develop/Implement Asbestos Management Plan
- ☐ Develop/Implement Spill Prevention and Countermeasures
- ☐ Control (SPCC) Plan
- ☐ Obtain Permit for Underground Injection (UIC)
- ☐ UIC Plug and Abandon
- ☐ UIC Demonstrate Mechanical Integrity
- ☐ UST Tank Closure
- ☐ UST Secondary Containment
- ☐ UST Corrosion or Overfill Protection
- ☐ RCRA Labeling/Manifesting
- ☐ RCRA Waste Identification

Facility/Site Management and Info. Practices

- ☐ Testing/Sampling
- ☐ Auditing
- ☐ Labeling
- ☐ Record keeping
- ☐ Reporting
- ☐ Information Letter Response
- ☐ Financial Responsibility Requirements
- ☐ Environmental Management Review
- ☐ RI/FS or RD (CERCLA)
- ☐ Site Assessment/Characterization (CERCLA)
- ☐ Provide Site Access (CERCLA)
- ☐ Monitoring
- ☐ UST Release Detection
- ☐ Storm water Site Inspections
- ☐ Asbestos Inspections
- ☐ Training
- ☐ Planning
- ☐ Permit Application
- ☐ Work Practices
- ☐ Notification (TSCA Section 6)
- ☐ Leak Detection (CAA)
- ☐ Spill Notification
- ☐ Develop/Implement CMOM Program (CWA)

- ___ RCRA Secondary Containment
- ___ Lead-Based Paint Disclosure
- ___ Lead-Based Paint Removal Training/Certification
- ___ Asbestos Training/Certification/Accreditation
- ___ Asbestos Abatement
- ___ Asbestos Plan Submission
- ___ Notification (SDWA, FIFRA)
- ___ Worker Protection (FIFRA)
- ___ Pesticide Registered (FIFRA)
- ___ Pesticide Certified (FIFRA)
- ___ Pesticide Claim Removed (FIFRA)
- ___ Pesticide Label Revision (FIFRA)

21. Cost of actions described in item #21. (Actual cost data supplied by violator is preferred figure.)

Physical actions: \$ _____

Non-Physical actions: \$ _____

22. Quantitative environmental impact of actions described in item #21: (Add additional pollutants on blank sheet)

REDUCTIONS/ELIMINATIONS/TREATMENT

<u>Pollutant/Chemical/Waste Stream</u>	<u>Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
		Pounds/yr.	Air
		People	Land
		Cubic Yards	Soil
		Acres	Water (navigable/surface)
		Linear Feet (ss/ms/l)	Water (wetlands)
		Gallons	Water (underground source of drinking water)
		Pounds	Water (ground)
		Miles of Stream Impacted	Animals/Plants/Humans

PREVENTION

<u>Pollutant/Chemical/Waste Stream</u>	<u>Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
		Wells	Water (underground source of drinking water)
		Gallons	Water (navigable/surface)
		SF/MF/Housing units	Schools/Housing/Buildings
		Building Units	Animals/Plants/Humans
		Schools	
		People	
		Pounds	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

FILED

NOV 30 PM 1:42

EXPEDITED SETTLEMENT AGREEMENT (ESA)

REGIONAL HEARING CLERK
EPA REGION VI

DOCKET NO: 06-2005-3551

This complaint is issued to: City of Bethany Water Plant

At: 8308 NW 50th, Bethany, OK

for violating Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 6, by its duly delegated official, the Director, Superfund Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On August 13, 2003, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

On April 27, 2005, an authorized representative of the EPA conducted a compliance inspection of the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations as noted on the attached RISK MANAGEMENT PLAN INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET ("FORM"), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations, described in the attached FORM for the total penalty amount of **\$1,580.00**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed in the attached FORM and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$1,580.00** in payment of the full penalty amount to the following address:

U.S. EPA Region 6
Regional Hearing Clerk (RC-HO)
P.O. Box 371099M
Pittsburgh, PA 15251

The DOCKET NUMBER OF THIS EXPEDITED SETTLEMENT AGREEMENT must be included on the certified check. (The DOCKET NUMBER is located at the top left corner of this Expedited Settlement Agreement.)

This original Settlement Agreement and a copy of the certified check must be sent by certified mail to:

Elizabeth R. Rogers
112(r) Compliance Officer
Superfund Division (6SF-RC)
U.S. Environmental Protection Agency Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Upon the Respondent's signing and submission of this Settlement Agreement, EPA will take no further action against the Respondent for the alleged violations of the Clean Air Act described in the above Form. EPA does not waive any enforcement action by EPA for any other past, present, or future violations under the Clean Air Act or any other statute.

If the Settlement Agreement with an attached copy of the certified check is not returned to the EPA Region 6 office at the above address in correct form by the Respondent within 45 days of the date of the receipt of this Settlement Agreement, the Complaint and Expedited Settlement Agreement is withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the violations identified in this Settlement Agreement.

Respondent has the right to request a hearing on any material fact or on the appropriateness of the penalty contained in this complaint pursuant to 40 CFR § 22.14. Upon signing and returning of this Settlement Agreement to EPA, the Respondent waives the opportunity for a hearing pursuant to Section 113(d)(2)(A) of the Clean Air Act, 42 U.S.C. § 7413(d)(2)(A).

This Settlement Agreement is binding on the EPA and the Respondent signing below. By signing below, the Respondent waives any objections to EPA's jurisdiction with respect to the Settlement Agreement and consents to EPA's approval of this Settlement Agreement without further notice. This Settlement Agreement is effective upon the Regional Administrator's signature.

Samuel Coleman, P. E.
Director
Superfund Division

Date: 6/6/05

It is so ORDERED. This Order shall become effective upon filing of the fully executed Complaint and Expedited Settlement Agreement.

Richard E. Greene
Regional Administrator

Date: 11/15/05

SIGNATURE BY RESPONDENT:

Signature: Dan Bridgforth
Name (print): Dan Bridgforth
Title (print): Utility Superintendent
Cost of Corrective Actions: 4800

Date: 7.20.05

R6 REV.

RECEIVED
2005 NOV -2 PM 2:49
RESPONSE AND
PREVENTION BRANCH

CITY OF BETHANY

OPERATING ACCOUNT
P.O. BOX 219
BETHANY, OK 73003-0219

FIRST BETHANY BANK AND TRUST NA
6500 NW 30TH EXPRESSEWAY
BETHANY, OK 73013

	IDENTIFICATION NUMBER	DATE	CHECK NO.	NET AMOUNT
BANK: CCB	VEND: 3366	7/22/2005	174536	\$1,580.00

[illegible]

----- ONE THOUSAND FIVE HUNDRED EIGHTY & 00/100 DOLLARS -----

PAY
TO THE
ORDER
OF

US EPA REGION 4
REGIONAL HEARING CLERK
PO BOX 371095M
PITTSBURG PA 15251

J. R. Johnston
John Bryant

(b) (4)

IDENTITY ACCOUNTS
WITHIN NAMED PAYEE
WITHOUT PRESADVICE ASSENSE
OF ENDORSEMENT GUARANTEED
MELLON BANK-MSC POH PA

043000261 1030-00240
127-014 0725-2
020257702 125551673



CONCURRENCE ROUTING: RMP ENFORCEMENT

TYPE OF ACTION: Clear Air Act, Section 112(r) Expedited Settlement Agreement

City of Bethany Water Plant
Bethany, OK

6SF-RC: Bob Goodfellow

Date: 5-26-05

6SF-RC: James Graham

Date: 5-26-05

6SF-R: Ragan Broyles

Date: 6/2

6SF: Samuel Coleman

Date:

6SF-RC: Elizabeth Rogers

Date:

6-7-08 mailed ESA

7-28-05 Recd request

11-8-05 Final ESA in routing

1/2 for 45 day extension granted

THIS ENFORCEMENT ACTION WILL BE ENTERED INTO ICIS WITHIN 5 DAYS
OF THE EFFECTIVE DATE OF THE ACTION.

MAY 26 2005



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

9002 2 0 NNR

CERTIFIED MAIL, RETURN RECEIPT REQUEST

Certified Receipt # 7003 0500 0003 0875 0363

Mr. Reggie Bartlett
Water Plant Superintendant
City of Bethany
8308 NW 50th
Bethany, OK 73008

Re: Expedited Settlement Agreement (ESA) for Risk Management Plan Inspection Findings,
Alleged Violations and Proposed Penalty
Docket No. 06-2005-3551

Dear Mr. Bartlett:

The United States Environmental Protection Agency (EPA) has authority under Section 113 of the Clean Air Act (the Act) to pursue civil penalties for violations of the Section 112(r)(7) Risk Management Program (RMP) regulations found at 40 C.F.R. Part 68. Enclosed is an Expedited Settlement Agreement (ESA) that addresses RMP violations discovered at City of Bethany Water Plant, Bethany, OK (Respondent), as documented in the enclosed Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet (FORM).

EPA encourages an expeditious settlement of easily correctable violations such as the violations cited in the enclosed ESA. The ESA complies with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits: Final Rule, 40 C.F.R. Part 22 (2002).

You may resolve the cited violations by mailing a check for the penalty as set out below, signing and returning the original ESA within 45 days of your receipt of this letter. EPA, at its discretion, may grant one 45-day extension for cause upon request. Please be advised that the ESA contains a discounted, non-negotiable penalty amount, which is lower than the amount that would be derived from EPA's Combined Enforcement Policy for Section 112(r) of the Clean Air Act.

The ESA, when executed by both parties, is binding on EPA and you. Upon receipt of the signed document, EPA will take no further action against you for the violations cited in the ESA. EPA will neither accept nor approve the ESA if returned more than 45 days after the date of your receipt of this letter, unless an extension has been granted by EPA.

If you do not pay the penalty and return the ESA within 45 days of receipt, the ESA will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the cited violations. If you decide not to sign and return the ESA and pay the penalty, EPA can pursue other enforcement measures to correct the violation(s) and seek penalties of up to \$32,500 per violation per day.

You are required in the ESA to certify that you have corrected the violation(s) and paid the penalty. The payment for the penalty amount must be in the form of a certified check payable to the "Treasurer, United States of America", with the Docket Number of the ESA on the check. The Docket Number is located at the top of the left column of the ESA.

Payment of the penalty amount shall be sent via certified mail to:

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Regional Hearing Clerk (RC-HO)
P.O. Box 371099M
Pittsburgh, PA 15251

The signed original ESA with a **copy of the certified check shall be sent via certified mail to:**

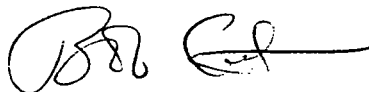
Elizabeth R. Rogers
112(r) Compliance Officer
Superfund Division (SF-RC)
U. S. Environmental Protection Agency Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

When signing the ESA, please indicate, in the appropriate space, the cost of all actions taken to correct the alleged violations.

By terms of the ESA, and upon EPA's receipt of the signed ESA, you waive your opportunity for a hearing pursuant to Section 113 of the CAA. EPA will treat any response to the ESA, other than acceptance of the settlement offer, as an indication that the recipient is not interested in pursuing this expedited settlement procedure.

If you have any questions relating to this ESA, please contact Bob Goodfellow at 214.665.6632 or by e-mail at goodfellow.bob@epa.gov.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Bob Graham", with a long horizontal flourish extending to the right.

James L. Graham Jr., P.E.
Enforcement Coordinator

Enclosures (3)

ESA

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following service's (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Reggie Bartlett
Water Plant Superintendant
City of Bethany
8308 NW 50th
Bethany, OK 73008

4a. Article Number
7003 0500 0003 0875 0363

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
6-10-05

5. Received By: (Print Name)
Terma Shinn

6. Signature: (Addressee or Agent)
**Terma Shinn*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 *E. ROGERS* Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

U. S. Environmental Protection Agency
Superfund Division (6SF-RC)
1445 Ross Avenue, 12th Floor
Dallas, Texas 75202
A. H. E. ROGERS

34

7003 0500 0003 0875 0363

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For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

ES17

Postmark
Here

3551-05

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

JUN 07 2005

CERTIFIED MAIL, RETURN RECEIPT REQUEST
Certified Receipt # 7003 0500 0003 0875 0363

Mr. Reggie Bartlett
Water Plant Superintendant
City of Bethany
8308 NW 50th
Bethany, OK 73008

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You may resolve the cited violations by mailing a check for the penalty as set out below, signing and returning the original ESA within 45 days of your receipt of this letter. EPA, at its discretion, may grant one 45-day extension for cause upon request. Please be advised that the ESA contains a discounted, non-negotiable penalty amount, which is lower than the amount that would be derived from EPA's Combined Enforcement Policy for Section 112(r) of the Clean Air Act.

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U.S. EPA Region 6
Regional Hearing Clerk (RC-HO)
P.O. Box 371099M
Pittsburgh, PA 15251

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Elizabeth R. Rogers
112(r) Compliance Officer
Superfund Division (SF-RC)
U. S. Environmental Protection Agency Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

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James L. Graham Jr., P.E.
Enforcement Coordinator

Enclosures (3)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: 06-2005-3551

**This complaint is issued to: City of Bethany Water Plant
At: 8308 NW 50th, Bethany, OK
for violating Section 112(r)(7) of the Clean Air Act.**

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 6, by its duly delegated official, the Director, Superfund Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On August 13, 2003, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

On April 27, 2005, an authorized representative of the EPA conducted a compliance inspection of the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations as noted on the attached RISK MANAGEMENT PLAN INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET ("FORM"), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations, described in the attached FORM for the total penalty amount of **\$1,580.00**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed in the attached FORM and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$1,580.00** in payment of the full penalty amount to the following address:

U.S. EPA Region 6
Regional Hearing Clerk (RC-HO)
P.O. Box 371099M
Pittsburgh, PA 15251

The DOCKET NUMBER OF THIS EXPEDITED SETTLEMENT AGREEMENT must be included on the certified check. (The DOCKET NUMBER is located at the top left corner of this Expedited Settlement Agreement.)

This original Settlement Agreement and a copy of the certified check must be sent by certified mail to:

Elizabeth R. Rogers
112(r) Compliance Officer
Superfund Division (6SF-RC)
U.S. Environmental Protection Agency Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Upon the Respondent's signing and submission of this Settlement Agreement, EPA will take no further action against the Respondent for the alleged violations of the Clean Air Act described in the above Form. EPA does not waive any enforcement action by EPA for any other past, present, or future violations under the Clean Air Act or any other statute.

If the Settlement Agreement with an attached copy of the certified check is not returned to the EPA Region 6 office at the above address in correct form by the Respondent within 45 days of the date of the receipt of this Settlement Agreement, the Complaint and Expedited Settlement Agreement is withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the violations identified in this Settlement Agreement.

Respondent has the right to request a hearing on any material fact or on the appropriateness of the penalty contained in this complaint pursuant to 40 CFR § 22.14. Upon signing and returning of this Settlement Agreement to EPA, the Respondent waives the opportunity for a hearing pursuant to Section 113(d)(2)(A) of the Clean Air Act, 42 U.S.C. § 7413(d)(2)(A).

This Settlement Agreement is binding on the EPA and the Respondent signing below. By signing below, the Respondent waives any objections to EPA's jurisdiction with respect to the Settlement Agreement and consents to EPA's approval of this Settlement Agreement without further notice. This Settlement Agreement is effective upon the Regional Administrator's signature:

Samuel Coleman, P. E.
Samuel Coleman, P. E.
Director
Superfund Division

Date: 6/6/05

It is so ORDERED. This Order shall become effective upon filing of the fully executed Complaint and Expedited Settlement Agreement.

Richard E. Greene
Regional Administrator

Date: _____

SIGNATURE BY RESPONDENT:

Signature: _____

Date: _____

Name (print): _____

Title (print): _____

Cost of Corrective Actions: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: 06-2005-3551

This complaint is issued to: City of Bethany Water Plant

At: 8308 NW 50th, Bethany, OK

for violating Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 6, by its duly delegated official, the Director, Superfund Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On August 13, 2003, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

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SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations, described in the attached FORM for the total penalty amount of **\$1,580.00**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed in the attached FORM and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$1,580.00** in payment of the full penalty amount to the following address:

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U.S. Environmental Protection Agency Region 6
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Dallas, Texas 75202-2733

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Respondent has the right to request a hearing on any material fact or on the appropriateness of the penalty contained in this complaint pursuant to 40 CFR § 22.14. Upon signing and returning of this Settlement Agreement to EPA, the Respondent waives the opportunity for a hearing pursuant to Section 113(d)(2)(A) of the Clean Air Act, 42 U.S.C. § 7413(d)(2)(A).

This Settlement Agreement is binding on the EPA and the Respondent signing below. By signing below, the Respondent waives any objections to EPA's jurisdiction with respect to the Settlement Agreement and consents to EPA's approval of this Settlement Agreement without further notice. This Settlement Agreement is effective upon the Regional Administrator's signature.

Samuel Coleman, P. E.
Director
Superfund Division

Date: _____

It is so ORDERED. This Order shall become effective upon filing of the fully executed Complaint and Expedited Settlement Agreement.

Richard E. Greene
Regional Administrator

Date: _____

SIGNATURE BY RESPONDENT:

Signature: _____

Date: _____

Name (print): _____

Title (print): _____

Cost of Corrective Actions: _____



U.S. ENVIRONMENTAL PROTECTION AGENCY
1445 ROSS AVE., SUITE 1200
DALLAS, TX 75202-2733

City of Bethany Water Plant
Bethany, OK
PROPOSED PENALTY WORKSHEET

$$\text{\$1,580.00} = \text{\$3,950.00}(0.4)$$

Adjusted Penalty = Unadjusted Penalty X Size-Threshold Quantity Multiplier

The Unadjusted Penalty is calculated by adding up all the penalties listed on the Risk Management Program Inspections Findings, Alleged Violations and Proposed Penalty Sheet.

The Size-Threshold Quantity multiplier is a factor that considers the size of the facility and the amount of regulated chemicals at the facility.

The Proposed Penalty is the amount of the non-negotiable penalty that is calculated by multiplying the Total Penalty and the Size/Threshold Quantity multiplier.

Example:

XYZ Facility has 24 employees and 7 times the threshold amount for the particular chemical in question. After adding the penalty numbers in the Risk Management Program Inspection Findings, Alleged Violations and Proposed Penalty Sheet an unadjusted penalty of \$4700 is derived.

Calculation of Adjusted Penalty

1st Reference the Multipliers for calculating proposed penalties for violations found during RMP inspection matrix. Finding the column for 21-50 employees and the row for 5- 10 times the threshold quantity amount gives a multiplier factor of 0.4. Therefore, the multiplier for XYZ Facility = 0.4.

2nd Use the Adjusted Penalty formula

Adjusted Penalty = \$4700 (Unadjusted Penalty) X 0.4 (Size-Threshold Multiplier)

Adjusted Penalty = \$1880

3rd An Adjusted Penalty of \$1880 would be assessed to XYZ Facility for Violations found during the RMP Compliance Inspection. This amount will be found in the Complaint and Expedited Settlement Agreement (ESA)



U.S. Environmental Protection Agency
Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET

REASON FOR INSPECTION: This inspection is for the purpose of determining compliance with Section 112(r)(7) accidental release prevention requirements of the Clean Air Act, as amended 1990. The scope of this inspection may include, but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking of statements; reviewing of chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

Facility Name: City of Bethany Water Plant	<input type="checkbox"/> Private # of Employees: <u>0</u> Contractors/Others:	<input checked="" type="checkbox"/> Government/Municipal Population Served: <u>21000</u>
Mailing Address: 8308 NW 50th Bethany, OK 73008	Inspection Start Date and Time: April 27, 2005 at 9:00 AM	
Physical Address: 8308 NW 50th Bethany, OK 73008	Inspection End Date and Time: April 27, 2005 at 11:50 AM	
E-Mail Address: bwp8308@yahoo.com	Responsible Official, Title, Phone Number: Mr. Reggie Bartlett, Water Plant Superintendant, (405) 789-1421	
Facility Representative(s), Title(s), Phone Number(s):	EPA Facility ID#: 1000 0010 7261	
Inspection Report Reviewer Signature	Inspector Signature	Date

Inspection Findings

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR 68)?		<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185?		<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
DATE RMP FILED WITH EPA: <u>6/21/1999</u>		DATE OF LATEST RMP: <u>6/21/1999</u>	
1) PROCESS/NAICS CODE: <u>Water Supply and Irrigation Systems/22131</u>	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/>	MAXIMUM QUANTITY IN PROCESS: <u>6,000</u> (lbs)	
REGULATED SUBSTANCE: <u>Chlorine</u>			
2) PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>	MAXIMUM QUANTITY IN PROCESS: (lbs)	
REGULATED SUBSTANCE:			
3) PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>	MAXIMUM QUANTITY IN PROCESS: (lbs)	
REGULATED SUBSTANCE:			
4) PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>	MAXIMUM QUANTITY IN PROCESS: (lbs)	
REGULATED SUBSTANCE:			
5) PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>	MAXIMUM QUANTITY IN PROCESS: (lbs)	
REGULATED SUBSTANCE:			
DID THE FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?		<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N

ATTACHED CHECKLIST(S):

☐ PROGRAM LEVEL 1 CHECKLIST

☒ PROGRAM LEVEL 2 CHECKLIST

☐ PROGRAM LEVEL 3 CHECKLIST

OTHER ATTACHMENTS:

COMMENTS:

RMP Program Level 2 Process Checklist

Facility Name: Bethany Water Plant

RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET

Section A – Management [68.15]

Management system developed and implemented as provided in 40 CFR 68.15?

☐ S ☒ M ☐ U ☐ N/A

Comments:

Has the owner or operator:

- | | |
|---|---|
| 1. Developed a management system to oversee the implementation of the risk management program elements? [68.15(a)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 2. Assigned a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements? [68.15(b)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 3. Documented other persons responsible for implementing individual requirements of the risk management program and defined the lines of authority through an organization chart or similar document? [68.15(c)] Need organization chart or similar document to define responsibilities. | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A |

Section B: Hazard Assessment [68.20-68.42]

Hazard assessment conducted and documented as provided in 40 CFR 68.20-68.42?

☐ S ☒ M ☐ U ☐ N/A

Comments:

Hazard Assessment: Offsite consequence analysis parameters [68.22]

- | | |
|--|---|
| 1. Used the following endpoints for offsite consequence analysis for a worst-case scenario: [68.22(a)]
<input checked="" type="checkbox"/> For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)]
<input type="checkbox"/> For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)]; or
<input type="checkbox"/> For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m ² for 40 seconds? [68.22(a)(2)(ii)]
<input type="checkbox"/> For flammables: a concentration resulting in a lower flammability limit, as provided in NFPA documents or other generally recognized sources? [68.22(a)(2)(iii)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 2. Used the following endpoints for offsite consequence analysis for an alternative release scenario: [68.22(a)]
<input checked="" type="checkbox"/> For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)]
<input type="checkbox"/> For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)]
<input type="checkbox"/> For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m ² for 40 seconds? [68.22(a)(2)(ii)]
<input type="checkbox"/> For flammables: a concentration resulting in a lower flammability limit, as provided in NFPA documents or other generally recognized sources? [68.22(a)(2)(iii)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 3. Used appropriate wind speeds and stability classes for the release analysis? [68.22(b)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 4. Used appropriate ambient temperature and humidity values for the release analysis? [68.22(c)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 5. Used appropriate values for the height of the release for the release analysis? [68.22(d)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 6. Used appropriate surface roughness values for the release analysis? [68.22(e)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 7. Do tables and models, used for dispersion analysis of toxic substances, appropriately account for dense or neutrally buoyant gases? [68.22(f)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 8. Were liquids, other than gases liquefied by refrigeration only, considered to be released at the highest daily maximum temperature, based on data for the previous three years appropriate for a stationary source, or at process temperature, whichever is higher? [68.22(g)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |

RMP Program Level 2 Process Checklist

Facility Name: Bethany Water Plant

RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET

Hazard Assessment: Worst-case release scenario analysis [68.25]

9. Analyzed and reported in the RMP one worst-case release scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated toxic substance from covered processes under worst-case conditions? [68.25(a)(2)(i)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
10. Analyzed and reported in the RMP one worst-case release scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated flammable substance from covered processes under worst-case conditions? [68.25(a)(2)(ii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
11. Analyzed and reported in the RMP additional worst-case release scenarios for a hazard class if the worst-case release from another covered process at the stationary source potentially affects public receptors different from those potentially affected by the worst-case release scenario developed under 68.25(a)(2)(i) or 68.25(a)(2)(ii)? [68.25(a)(2)(iii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
12. Has the owner or operator determined the worst-case release quantity to be the greater of the following: [68.25(b)] <input type="checkbox"/> If released from a vessel, the greatest amount held in a single vessel, taking into account administrative controls that limit the maximum quantity? [68.25(b)(1)] <input type="checkbox"/> If released from a pipe, the greatest amount held in the pipe, taking into account administrative controls that limit the maximum quantity? [68.25(b)(2)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
13.a. Has the owner or operator for <u>toxic substances</u> that are <u>normally gases at ambient temperature and handled as a gas or liquid under pressure</u> :	
13.a.(1) Assumed the whole quantity in the vessel or pipe would be released as a gas over 10 minutes? [68.25(c)(1)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
13.a.(2) Assumed the release rate to be the total quantity divided by 10, if there are no passive mitigation systems in place? [68.25(c)(1)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
13.b. Has the owner or operator for <u>toxic gases</u> handled as <u>refrigerated liquids at ambient pressure</u> :	
13.b.(1) Assumed the substance would be released as a gas in 10 minutes, if not contained by passive mitigation systems or if the contained pool would have a depth of 1 cm or less? [68.25(c)(2)(i)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.b.(2) [Optional for owner / operator] Assumed the quantity in the vessel or pipe would be spilled instantaneously to form a liquid pool, if the released substance would be contained by passive mitigation systems in a pool with a depth greater than 1 cm? [68.25(c)(2)(ii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.b.(3) Calculated the volatilization rate at the boiling point of the substance and at the conditions specified in 68.25(d)? [68.25(c)(2)(ii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.c. Has the owner or operator for <u>toxic substances</u> that are <u>normally liquids at ambient temperature</u> :	
13.c.(1) Assumed the quantity in the vessel or pipe would be spilled instantaneously to form a liquid pool? [68.25(d)(1)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.c.(2) Determined the surface area of the pool by assuming that the liquid spreads to 1 cm deep, if there is no passive mitigation system in place that would serve to contain the spill and limit the surface area, or if passive mitigation is in place, was the surface area of the contained liquid used to calculate the volatilization rate? [68.25(d)(1)(i)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.c.(3) Taken into account the actual surface characteristics, if the release would occur onto a surface that is not paved or smooth? [68.25(d)(1)(ii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.c.(4) Determined the volatilization rate by accounting for the highest daily maximum temperature in the past three years, the temperature of the substance in the vessel, and the concentration of the substance if the liquid spilled is a mixture or solution? [68.25(d)(2)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.c.(5) Determined the rate of release to air from the volatilization rate of the liquid pool? [68.25(d)(3)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A

RMP Program Level 2 Process Checklist

Facility Name: Bethany Water Plant

RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET

<p>13.c.(6) Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.25(d)(3)]</p> <p>What modeling technique did the owner or operator use? [68.25(g)] _____</p>	<p><input type="checkbox"/>Y <input type="checkbox"/>N <input checked="" type="checkbox"/>N/A</p>
<p>13.d. Has the owner or operator for <u>flammables</u>:</p>	
<p>13.d.(1) Assumed the quantity in a vessel(s) of flammable gas held as a gas or liquid under pressure or refrigerated gas released to an undiked area vaporizes resulting in a vapor cloud explosion? [68.25(e)]</p>	<p><input type="checkbox"/>Y <input type="checkbox"/>N <input checked="" type="checkbox"/>N/A</p>
<p>13.d.(2) For refrigerated gas released to a contained area or liquids released below their atmospheric boiling point, assumed the quantity volatilized in 10 minutes results in a vapor cloud? [68.25(f)]</p>	<p><input type="checkbox"/>Y <input type="checkbox"/>N <input checked="" type="checkbox"/>N/A</p>
<p>13.d.(3) Assumed a yield factor of 10% of the available energy is released in the explosion for determining the distance to the explosion endpoint, if the model used is based on TNT-equivalent methods? [68.25(e)]</p>	<p><input type="checkbox"/>Y <input type="checkbox"/>N <input checked="" type="checkbox"/>N/A</p>
<p>14. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.25(g)]</p>	<p><input checked="" type="checkbox"/>Y <input type="checkbox"/>N <input type="checkbox"/>N/A</p>
<p>15. Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.25(g)]</p> <p>What modeling technique did the owner or operator use? [68.25(g)] <u>ALOHA</u></p>	<p><input checked="" type="checkbox"/>Y <input type="checkbox"/>N <input type="checkbox"/>N/A</p>
<p>16. Ensured that the passive mitigation system, if considered, is capable of withstanding the release event triggering the scenario and will still function as intended? [68.25(h)]</p>	<p><input type="checkbox"/>Y <input type="checkbox"/>N <input checked="" type="checkbox"/>N/A</p>
<p>17. Considered also the following factors in selecting the worst-case release scenarios: [68.25(i)]</p> <p><input type="checkbox"/> Smaller quantities handled at higher process temperature or pressure? [68.25(i)(1)]</p> <p><input checked="" type="checkbox"/> Proximity to the boundary of the stationary source? [68.25(i)(2)]</p>	<p><input checked="" type="checkbox"/>Y <input type="checkbox"/>N <input type="checkbox"/>N/A</p>
<p>Hazard Assessment: Alternative release scenario analysis [68.28]</p>	
<p>18. Identified and analyzed at least one alternative release scenario for each regulated toxic substance held in a covered process(es) and at least one alternative release scenario to represent all flammable substances held in covered processes? [68.28(a)]</p>	<p><input checked="" type="checkbox"/>Y <input type="checkbox"/>N <input type="checkbox"/>N/A</p>
<p>19. Selected a scenario: [68.28(b)]</p> <p><input checked="" type="checkbox"/> That is more likely to occur than the worst-case release scenario under 68.25? [68.28(b)(1)(i)]</p> <p><input type="checkbox"/> That will reach an endpoint off-site, unless no such scenario exists? [68.28(b)(1)(ii)]</p>	<p><input checked="" type="checkbox"/>Y <input type="checkbox"/>N <input type="checkbox"/>N/A</p>
<p>20. Considered release scenarios which included, but are not limited to, the following: [68.28(b)(2)]</p> <p><input type="checkbox"/> Transfer hose releases due to splits or sudden hose uncoupling? [68.28(b)(2)(i)]</p> <p><input checked="" type="checkbox"/> Process piping releases from failures at flanges, joints, welds, valves and valve seals, and drains or bleeds? [68.28(b)(2)(ii)]</p> <p><input checked="" type="checkbox"/> Process vessel or pump releases due to cracks, seal failure, or drain, bleed, or plug failure? [68.28(b)(2)(iii)]</p> <p><input checked="" type="checkbox"/> Vessel overfilling and spill, or overpressurization and venting through relief valves or rupture disks? [68.28(b)(2)(iv)]</p> <p><input checked="" type="checkbox"/> Shipping container mishandling and breakage or puncturing leading to a spill? [68.28(b)(2)(v)]</p>	<p><input checked="" type="checkbox"/>Y <input type="checkbox"/>N <input type="checkbox"/>N/A</p>

RMP Program Level 2 Process ChecklistFacility Name: Bethany Water Plant**RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET**

21. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.28(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
22. Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.28(c)] What modeling technique did the owner or operator use? [68.25(g)] <u>ALOHA</u>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
23. Ensured that the passive and active mitigation systems, if considered, are capable of withstanding the release event triggering the scenario and will be functional? [68.28(d)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
24. Considered the following factors in selecting the alternative release scenarios: [68.28(e)] <input type="checkbox"/> The five-year accident history provided in 68.42? [68.28(e)(1)] <input checked="" type="checkbox"/> Failure scenarios identified under 68.50? [68.28(e)(2)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

Hazard Assessment: Defining off-site impacts–Population [68.30]

25. Estimated population that would be included in the distance to the endpoint in the RMP based on a circle with the point of release at the center? [68.30(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
26. Identified the presence of institutions, parks and recreational areas, major commercial, office, and industrial buildings in the RMP? [68.30(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
27. Used most recent Census data, or other updated information to estimate the population? [68.30(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
28. Estimated the population to two significant digits? [68.30(d)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

Hazard Assessment: Defining off-site impacts–Environment [68.33]

29. Identified environmental receptors that would be included in the distance to the endpoint based on a circle with the point of release at the center? [68.33(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
30. Relied on information provided on local U.S.G.S. maps, or on any data source containing U.S.G.S. data to identify environmental receptors? [Source may have used LandView to obtain information] [68.33(b)] MARPLOT	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

Hazard Assessment: Review and update [68.36]

31. Reviewed and updated the off-site consequence analyses at least once every five years? [68.36(a)] The review was due 6/2004. The facility must review and update its OCA immediately.	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A \$600.00
32. Completed a revised analysis and submit a revised RMP within six months of a change in processes, quantities stored or handled, or any other aspect that might reasonably be expected to increase or decrease the distance to the endpoint by a factor of two or more? [68.36(b)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A

Hazard Assessment: Documentation [68.39]

33. For worst-case scenarios: a description of the vessel or pipeline and substance selected, assumptions and parameters used, the rationale for selection, and anticipated effect of the administrative controls and passive mitigation on the release quantity and rate? [68.39(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
34. For alternative release scenarios: a description of the scenarios identified, assumptions and parameters used, the rationale for the selection of specific scenarios, and anticipated effect of the administrative controls and mitigation on the release quantity and rate? [68.39(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
35. Documentation of estimated quantity released, release rate, and duration of release? [68.39(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
36. Methodology used to determine distance to endpoints? [68.39(d)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

RMP Program Level 2 Process ChecklistFacility Name: Bethany Water Plant**RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET**37. Data used to estimate population and environmental receptors potentially affected? [68.39(e)] ☒ Y ☐ N ☐ N/A**Hazard Assessment: Five-year accident history [68.42]**38. Has the owner or operator included all accidental releases from covered processes that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage? [68.42(a)] ☐ Y ☐ N ☒ N/A

39. Has the owner or operator reported the following information for each accidental release: [68.42(b)] ☐ Y ☐ N ☒ N/A

- ☐ Date, time, and approximate duration of the release? [68.42(b)(1)]
- ☐ Chemical(s) released? [68.42(b)(2)]
- ☐ Estimated quantity released in pounds and percentage weight in a mixture (toxics)? [68.42(b)(3)]
- ☐ NAICS code for the process? [68.42(b)(4)]
- ☐ The type of release event and its source? [68.42(b)(5)]
- ☐ Weather conditions (if known)? [68.42(b)(6)]
- ☐ On-site impacts? [68.42(b)(7)]
- ☐ Known offsite impacts? [68.42(b)(8)]
- ☐ Initiating event and contributing factors (if known)? [68.42(b)(9)]
- ☐ Whether offsite responders were notified (if known)? [68.42(b)(10)]
- ☐ Operational or process changes that resulted from investigation of the release? [68.42(b)(11)]

Section C: Prevention ProgramImplemented the Program 2 prevention requirements as provided in 40 CFR 68.48 - 68.60? ☐ S ☒ M ☐ U ☐ N/A
Comments:**Prevention Program- Safety information [68.48]**

1. Compiled and maintained the following up-to-date safety information, related to the regulated substances, processes, and equipment: [68.48(a)] ☒ Y ☐ N ☐ N/A

- ☒ Material Safety Data Sheets (MSDS) that meet the requirements of the OSHA Hazard Communication Standard [29 CFR 1910.1200(g)]? [68.48(a)(1)]
- ☒ Maximum intended inventory of equipment in which the regulated substances are stored or processed? [68.48(a)(2)]
- ☒ Safe upper and lower temperatures, pressures, flows, and compositions? [68.48(a)(3)]
- ☒ Equipment specifications? [68.48(a)(4)]
- ☒ Codes and standards used to design, build, and operate the process? [68.48(a)(5)]

2. Ensured the process is designed in compliance with recognized and generally accepted good engineering practices? [68.48(b)] ☒ Y ☐ N ☐ N/A

3. Updated information if a major change has occurred that made the information inaccurate? [68.48(c)] ☐ Y ☐ N ☒ N/A

Prevention Program- Hazard review [68.50]4. Has the owner or operator conducted a review of the hazards associated with the regulated substances, processes, and procedures? [68.50(a)] ☐ Y ☒ N ☐ N/A
A format was developed but not completed. The facility must conduct a hazard review immediately and at least once every five years thereafter. **\$450.00**

Facility Name: Bethany Water Plant

5. Did the review identify:	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A
<input type="checkbox"/> The hazards associated with the process and regulated substances? [68.50(a)(1)]			
<input type="checkbox"/> Opportunities for equipment malfunctions or human errors that could cause an accidental release? [68.50(a)(2)]			
<input type="checkbox"/> The safeguards used or needed to control the hazards or prevent equipment malfunctions or human error? [68.50(a)(3)]			
<input type="checkbox"/> Any steps used or needed to detect or monitor releases? [68.50(a)(4)]			
6. Determined by inspecting all equipment that the processes are designed, fabricated, and operated in accordance with applicable standards or rules, if designed to meet industry standards or Federal or state design rules? [68.50(b)]	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A
7. Documented the results of the review? [68.50(c)]	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A
8. Ensured that problems identified were resolved in a timely manner? [68.50(c)]	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A
9. Updated the review at least once every five years or whenever a major change in the processes occurred? [68.50(d)]	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A
10. Resolved all issues identified in the review before startup of the changed process? [68.50(d)]	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A

<p>11. Has the owner or operator prepared written operating procedures that provide clear instructions or steps for safely conducting activities associated with each covered process consistent with the safety information for that process? (Operating procedures or instructions provided by equipment manufacturers or developed by persons or organizations knowledgeable about the process and equipment may be used as a basis for a stationary source's operating procedures.) [68.52(a)]</p>	<p><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>12. Do the procedures address the following: [68.52(b)]</p> <p><input checked="" type="checkbox"/> Initial startup? [68.52(b)(1)]</p> <p><input checked="" type="checkbox"/> Normal operations? [68.52(b)(2)]</p> <p><input type="checkbox"/> Temporary operations? [68.52(b)(3)]</p> <p><input checked="" type="checkbox"/> Emergency shutdown and operations? [68.52(b)(4)]</p> <p><input checked="" type="checkbox"/> Normal shutdown? [68.52(b)(5)]</p> <p><input checked="" type="checkbox"/> Startup following a normal or emergency shutdown or a major change that requires a hazard review? [68.52(b)(6)]</p> <p><input type="checkbox"/> Consequences of deviations and steps required to correct or avoid deviations? [68.52(b)(7)]</p> <p>Need consequences of deviation in the operating procedures.</p> <p><input checked="" type="checkbox"/> Equipment inspections? [68.52(b)(8)]</p>	<p><input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A</p> <p>\$600.00</p>
<p>13. Has the owner or operator ensured that the operating procedures have been updated, if necessary, whenever a major change occurred and prior to startup of the changed process? [68.52(c)]</p>	<p><input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A</p>

<p>14. Certified that each employee presently operating a process, and each employee newly assigned to a covered process have been trained or tested competent in the operating procedures provided in § 68.52 that pertain to their duties? (For those employees already operating a process on June 21, 1999, the owner or operator may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as provided in the operating procedures.) [68.54(a)]</p>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> N/A
<p>15. Provided refresher training at least every three years, or more often if necessary, to each employee operating a process, to ensure that the employee understands and adheres to the current operating procedures of the process? [68.54(b)]</p>	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> N/A

RMP Program Level 2 Process Checklist

Facility Name: Bethany Water Plant

RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET

16. Determined, in consultation with the employees operating the process, the appropriate frequency of refresher training? [68.54(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
17. Certified that each employee was trained in any updated or new procedures prior to startup of a process after a major change? [68.54(d)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A

Prevention Program - Maintenance [68.56]

18. Prepared and implemented procedures to maintain the on-going mechanical integrity of the process equipment? [68.56(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
19. Trained or caused to be trained each employee, involved in maintaining the on-going mechanical integrity of the process, in the hazards of the process, in how to avoid or correct unsafe conditions, and in the procedures applicable to the employee's job tasks? [68.56(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
20. Has every maintenance contractor ensured that each contract maintenance employee is trained to perform the maintenance procedures developed? [68.56(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
21. Has the owner or operator performed or caused to be performed inspections and tests on process equipment that follow recognized and generally accepted engineering practices? [68.56(d)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

Prevention Program - Compliance audits [68.58]

22. Has the owner or operator certified that compliance audits are conducted at least every three years to verify that the procedures and practices are adequate and are being followed? [68.58(a)] The facility must conduct a compliance audit immediately immediately and at least once every three years thereafter.	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A \$300.00
23. Has compliance audit been conducted by at least one person knowledgeable in the process? [68.58(b)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
24. Has the owner operator developed a report of the audits findings? [68.58(c)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
25. Has the owner or operator promptly determined and documented an appropriate response to each of the findings of the audit and documented that deficiencies had been corrected? [68.58(d)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
26. Has the owner or operator retained the two most recent compliance audit reports, unless more than five years old? [68.58(e)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A

Prevention Program - Incident investigation [68.60]

27. Has the owner or operator investigated each incident that resulted in, or could reasonably have resulted in a catastrophic release? [68.60(a)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
28. Were all incident investigations initiated not later than 48 hours following the incident? [68.60(b)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
29. Was a summary prepared at the conclusion of every investigation, which included: [68.60(c)] <input type="checkbox"/> Date of incident? [68.60(c)(1)] <input type="checkbox"/> Date investigation began? [68.60(c)(2)] <input type="checkbox"/> A description of incident? [68.60(c)(3)] <input type="checkbox"/> The factors that contributed to the incident? [68.60(c)(4)] <input type="checkbox"/> Any recommendations resulting from the investigation? [68.60(c)(5)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
30. Has the owner or operator promptly addressed and resolved the investigation findings and recommendations, and are the resolutions and corrective actions documented? [68.60(d)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
31. Has the owner or operator reviewed the finding with all affected personnel whose job tasks are affected by the findings? [68.60(e)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A

RMP Program Level 2 Process ChecklistFacility Name: Bethany Water Plant**RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET**32. Has the owner or operator retained investigation summaries for five years? [68.60(f)] ☐ Y ☐ N ☒ N/A**Section D - Emergency Response [68.90 - 68.95]**Developed and implemented an emergency response program as provided in 40 CFR 68.90-68.95? ☒ S ☐ M ☐ U ☐ N/A

Comments:

1. Is the facility designated as a "first responder" in case of an accidental release of regulated substances? ☐ Y ☒ N ☐ N/A

1.a. If the facility is not a first responder:

1.a.(1) For stationary sources with any regulated substances held in a process above threshold quantities, is the source included in the community emergency response plan developed under 42 U.S.C. 11003? [68.90(b)(1)] ☒ Y ☐ N ☐ N/A1.a.(2) For stationary sources with only regulated flammable substances held in a process above threshold quantities, has the owner or operator coordinated response actions with the local fire department? [68.90(b)(2)] ☐ Y ☐ N ☒ N/A1.a.(3) Are appropriate mechanisms in place to notify emergency responders when there is need for a response? [68.90(b)(3)] ☒ Y ☐ N ☐ N/A2. An emergency response plan is maintained at the stationary source and contains the following? [68.95(a)(1)] ☒ Y ☐ N ☐ N/A☒ Procedures for informing the public and local emergency response agencies about accidental releases? [68.95(a)(1)(i)]☒ Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures? [68.95(a)(1)(ii)]☒ Procedures and measures for emergency response after an accidental release of a regulated substance? [68.95(a)(1)(iii)]3. The emergency response plan contains procedures for the use of emergency response equipment and for its inspection, testing, and maintenance? [68.95(a)(2)] ☐ Y ☐ N ☒ N/A4. The emergency response plan requires, and there is documentation of, training for all employees in relevant procedures? [68.95(a)(3)] ☐ Y ☐ N ☒ N/A5. The owner or operator has developed and implemented procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and ensure that employees are informed of changes? [68.95(a)(4)] ☒ Y ☐ N ☐ N/A6. Did the owner or operator use a written plan that complies with other Federal contingency plan regulations or is consistent with the approach in the National Response Team's Integrated Contingency Plan Guidance ("One Plan")? If so, does the plan include the elements provided in paragraph (a) of 68.95, and also complies with paragraph (c) of 68.95? [68.95(b)] ☒ Y ☐ N ☐ N/A7. Has the emergency response plan been coordinated with the community emergency response plan developed under EPCRA? [68.95(c)] ☒ Y ☐ N ☐ N/A**Section E - Risk Management Plan [40 CFR 68.190 - 68.195]**1. Does the single registration form include, for each covered process, the name and CAS number of each regulated substance held above the threshold quantity in the process, the maximum quantity of each regulated substance or mixture in the process (in pounds) to two significant digits, the five- or six-digit NAICS code that most closely corresponds to the process and the Program level of the process? [68.160(b)(7)] ☒ Y ☐ N ☐ N/A

RMP Program Level 2 Process Checklist
Facility Name: Bethany Water Plant
RISK MANAGEMENT PROGRAM INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET

<p>2. Has the owner or operator reviewed and updated the RMP and submitted it to EPA [68.190(a)]? Reason for update:</p> <p><input checked="" type="checkbox"/> Five-year update. [68.190(b)(1)] Five year update has not been filed. Facility must immediately file the update.</p> <p><input type="checkbox"/> Within three years of a newly regulated substance listing. [68.190(b)(2)]</p> <p><input type="checkbox"/> At the time a new regulated substance is first present in an already regulated process above threshold quantities. [68.190(b)(3)]</p> <p><input type="checkbox"/> At the time a regulated substance is first present in an new process above threshold quantities. [68.190(b)(4)]</p> <p><input type="checkbox"/> Within six months of a change requiring revised PHA or hazard review. [68.190(b)(5)]</p> <p><input type="checkbox"/> Within six months of a change requiring a revised OCA as provided in 68.36. [68.190(b)(6)]</p> <p><input type="checkbox"/> Within six months of a change that alters the Program level that applies to any covered process. [68.190(b)(7)]</p>	<p><input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A</p> <p>\$2,000.00</p>
<p>3. If the owner or operator experienced an accidental release that met the five-year accident history reporting criteria (as described at 68.42) subsequent to April 9, 2004, did the owner or operator submit the information required at 68.168, 68.170(j) and 68.175(l) within six months of the release or by the time the RMP was updated as required at 68.190, whichever was earlier. [68.195(a)]</p>	<p><input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A</p>
<p>4. If the emergency contact information required at 68.160(b)(6) has changed since June 21, 2004, did the owner or operator submit corrected information within thirty days of the change? [68.195(b)]</p>	<p><input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A</p>

Total Unadjusted Penalty - \$3,950.00



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

MAY 28 2005

Mr. Reggie Bartlett, Water Plant Superintendent
City of Bethany Water Plant
8308 NW 50th
Bethany, OK 73008

Re: EPA Facility ID# 1000 0010 7261

Dear Jackson:

Enclosed is a copy of the Risk Management Plan Compliance Evaluation Inspection
Report for the inspection conducted at your facility on April 27, 2005.

Sincerely yours,

for Elizabeth Rogers
Bob Goodfellow
Response and Prevention Branch
Region 6

Enclosure

MAY 28 2005

Mr. Reggie Bartlett, Water Plant Superintendent
City of Bethany Water Plant
8308 NW 50th
Bethany, OK 73008

Re: EPA Facility ID# 1000 0010 7261

Dear Jackson:

Enclosed is a copy of the Risk Management Plan Compliance Evaluation Inspection
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Sincerely yours,

Bob Goodfellow
Response and Prevention Branch
Region 6

Enclosure



U.S. Environmental Protection Agency
Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

NOTICE OF INSPECTION

REASON FOR INSPECTION: This inspection is for the purpose of determining compliance with Section 112(r)(7) accidental release prevention requirements of the Clean Air Act, as amended 1990. The scope of this inspection may include, but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking of statements; reviewing of chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

Facility Name: City of Bethany Water Plant	<input type="checkbox"/> Private # of Employees: 0 Contractors/Others:	<input checked="" type="checkbox"/> Government/Municipal Population Served: 21000
Mailing Address: 8308 NW 50th Bethany, OK 73008	Inspection Start Date and Time: April 27, 2005 at 9:00 AM	
Physical Address: 8308 NW 50th Bethany, OK 73008	Inspection End Date and Time: April 27, 2005 at 11:50 AM	
E-Mail Address: bwp8308@yahoo.com	EPA Facility ID#: 1000 0010 7261	
Responsible Official, Title, Phone Number: Mr. Reggie Bartlett, Water Plant Superintendant, (405) 789-1421	Inspector Name(s), Title(s), Phone Number(s): Bob Hales, RMP Inspector (214) 665-6492	
Facility Representative(s), Title(s), Phone Number(s):	Inspector Signature: <i>[Signature]</i> Date: 5-18-05	
Inspection Report Reviewer Signature: <i>[Signature]</i> Date: 5-18-05	Inspector Signature: <i>[Signature]</i> Date: 5-18-05	

Inspection Findings

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR 68)?		<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185?		<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N
DATE RMP FILED WITH EPA: 6/21/1999		DATE OF LATEST RMP: 6/21/1999	
1) PROCESS/NAICS CODE: Water Supply and Irrigation Systems/22131	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/>		
REGULATED SUBSTANCE: Chlorine	MAXIMUM QUANTITY IN PROCESS: 6,000 (lbs)		
2) PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>		
REGULATED SUBSTANCE:	MAXIMUM QUANTITY IN PROCESS: (lbs)		
3) PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>		
REGULATED SUBSTANCE:	MAXIMUM QUANTITY IN PROCESS: (lbs)		
4) PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>		
REGULATED SUBSTANCE:	MAXIMUM QUANTITY IN PROCESS: (lbs)		
5) PROCESS/NAICS CODE:	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>		
REGULATED SUBSTANCE:	MAXIMUM QUANTITY IN PROCESS: (lbs)		
DID THE FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?		<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N

ATTACHED CHECKLIST(S):

☐ PROGRAM LEVEL 1 CHECKLIST

☒ PROGRAM LEVEL 2 CHECKLIST

☐ PROGRAM LEVEL 3 CHECKLIST

OTHER ATTACHMENTS:

COMMENTS:

RMP Program Level 2 Process Checklist

Facility Name: Bethany Water Plant

Section A – Management [68.15]

Management system developed and implemented as provided in 40 CFR 68.15?

☐S

☒M

☐U

☐N/A

Comments:

Has the owner or operator:

1. Developed a management system to oversee the implementation of the risk management program elements? [68.15(a)]
2. Assigned a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements? [68.15(b)]
3. Documented other persons responsible for implementing individual requirements of the risk management program and defined the lines of authority through an organization chart or similar document? [68.15(c)] **Need organization chart or similar document to define responsibilities.**

☒Y ☐N ☐N/A

☒Y ☐N ☐N/A

☐Y ☒N ☐N/A

Section B: Hazard Assessment [68.20-68.42]

Hazard assessment conducted and documented as provided in 40 CFR 68.20-68.42?

☐S

☒M

☐U

☐N/A

Comments:

Hazard Assessment: Offsite consequence analysis parameters [68.22]

1. Used the following endpoints for offsite consequence analysis for a worst-case scenario: [68.22(a)]
 - ☒ For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)]
 - ☐ For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)]; or
 - ☐ For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m² for 40 seconds? [68.22(a)(2)(ii)]
 - ☐ For flammables: a concentration resulting in a lower flammability limit, as provided in NFPA documents or other generally recognized sources? [68.22(a)(2)(iii)]
2. Used the following endpoints for offsite consequence analysis for an alternative release scenario: [68.22(a)]
 - ☒ For toxics: the endpoints provided in Appendix A of 40 CFR Part 68? [68.22(a)(1)]
 - ☐ For flammables: an explosion resulting in an overpressure of 1 psi? [68.22(a)(2)(i)]
 - ☐ For flammables: a fire resulting in a radiant heat/exposure of 5 kw/m² for 40 seconds? [68.22(a)(2)(ii)]
 - ☐ For flammables: a concentration resulting in a lower flammability limit, as provided in NFPA documents or other generally recognized sources? [68.22(a)(2)(iii)]
3. Used appropriate wind speeds and stability classes for the release analysis? [68.22(b)]
4. Used appropriate ambient temperature and humidity values for the release analysis? [68.22(c)]
5. Used appropriate values for the height of the release for the release analysis? [68.22(d)]
6. Used appropriate surface roughness values for the release analysis? [68.22(e)]
7. Do tables and models, used for dispersion analysis of toxic substances, appropriately account for dense or neutrally buoyant gases? [68.22(f)]
8. Were liquids, other than gases liquefied by refrigeration only, considered to be released at the highest daily maximum temperature, based on data for the previous three years appropriate for a stationary source, or at process temperature, whichever is higher? [68.22(g)]

☒Y ☐N ☐N/A

☒Y ☐N ☐N/A

☒Y ☐N ☐N/A

☒Y ☐N ☐N/A

☒Y ☐N ☐N/A

☒Y ☐N ☐N/A

☒Y ☐N ☐N/A

☐Y ☐N ☒N/A

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Hazard Assessment: Worst-case release scenario analysis [68.25]

9. Analyzed and reported in the RMP one worst-case release scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated toxic substance from covered processes under worst-case conditions? [68.25(a)(2)(i)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
10. Analyzed and reported in the RMP one worst-case release scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated flammable substance from covered processes under worst-case conditions? [68.25(a)(2)(ii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
11. Analyzed and reported in the RMP additional worst-case release scenarios for a hazard class if the worst-case release from another covered process at the stationary source potentially affects public receptors different from those potentially affected by the worst-case release scenario developed under 68.25(a)(2)(i) or 68.25(a)(2)(ii)? [68.25(a)(2)(iii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
12. Has the owner or operator determined the worst-case release quantity to be the greater of the following: [68.25(b)] <input type="checkbox"/> If released from a vessel, the greatest amount held in a single vessel, taking into account administrative controls that limit the maximum quantity? [68.25(b)(1)] <input type="checkbox"/> If released from a pipe, the greatest amount held in the pipe, taking into account administrative controls that limit the maximum quantity? [68.25(b)(2)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
13.a. Has the owner or operator for <u>toxic substances</u> that are <u>normally gases</u> at <u>ambient temperature</u> and handled as a gas or liquid under pressure:	
13.a.(1) Assumed the whole quantity in the vessel or pipe would be released as a gas over 10 minutes? [68.25(c)(1)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
13.a.(2) Assumed the release rate to be the total quantity divided by 10, if there are no passive mitigation systems in place? [68.25(c)(1)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
13.b. Has the owner or operator for <u>toxic gases</u> handled as <u>refrigerated liquids</u> at <u>ambient pressure</u> :	
13.b.(1) Assumed the substance would be released as a gas in 10 minutes, if not contained by passive mitigation systems or if the contained pool would have a depth of 1 cm or less? [68.25(c)(2)(i)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.b.(2) [Optional for owner / operator] Assumed the quantity in the vessel or pipe would be spilled instantaneously to form a liquid pool, if the released substance would be contained by passive mitigation systems in a pool with a depth greater than 1 cm? [68.25(c)(2)(ii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.b.(3) Calculated the volatilization rate at the boiling point of the substance and at the conditions specified in 68.25(d)? [68.25(c)(2)(ii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.c. Has the owner or operator for <u>toxic substances</u> that are <u>normally liquids</u> at <u>ambient temperature</u> :	
13.c.(1) Assumed the quantity in the vessel or pipe would be spilled instantaneously to form a liquid pool? [68.25(d)(1)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.c.(2) Determined the surface area of the pool by assuming that the liquid spreads to 1 cm deep, if there is no passive mitigation system in place that would serve to contain the spill and limit the surface area, or if passive mitigation is in place, was the surface area of the contained liquid used to calculate the volatilization rate? [68.25(d)(1)(i)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.c.(3) Taken into account the actual surface characteristics, if the release would occur onto a surface that is not paved or smooth? [68.25(d)(1)(ii)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.c.(4) Determined the volatilization rate by accounting for the highest daily maximum temperature in the past three years, the temperature of the substance in the vessel, and the concentration of the substance if the liquid spilled is a mixture or solution? [68.25(d)(2)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
13.c.(5) Determined the rate of release to air from the volatilization rate of the liquid pool? [68.25(d)(3)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A

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<p>13.c.(6) Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.25(d)(3)]</p> <p>What modeling technique did the owner or operator use? [68.25(g)] _____</p>	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
<p>13.d. Has the owner or operator for <u>flammables</u>:</p>	
<p>13.d.(1) Assumed the quantity in a vessel(s) of flammable gas held as a gas or liquid under pressure or refrigerated gas released to an undiked area vaporizes resulting in a vapor cloud explosion? [68.25(e)]</p>	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
<p>13.d.(2) For refrigerated gas released to a contained area or liquids released below their atmospheric boiling point, assumed the quantity volatilized in 10 minutes results in a vapor cloud? [68.25(f)]</p>	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
<p>13.d.(3) Assumed a yield factor of 10% of the available energy is released in the explosion for determining the distance to the explosion endpoint, if the model used is based on TNT-equivalent methods? [68.25(e)]</p>	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
<p>14. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.25(g)]</p>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
<p>15. Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.25(g)]</p> <p>What modeling technique did the owner or operator use? [68.25(g)] <u>ALOHA</u></p>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
<p>16. Ensured that the passive mitigation system, if considered, is capable of withstanding the release event triggering the scenario and will still function as intended? [68.25(h)]</p>	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
<p>17. Considered also the following factors in selecting the worst-case release scenarios: [68.25(i)]</p> <p><input type="checkbox"/> Smaller quantities handled at higher process temperature or pressure? [68.25(i)(1)]</p> <p><input checked="" type="checkbox"/> Proximity to the boundary of the stationary source? [68.25(i)(2)]</p>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
<p>Hazard Assessment: Alternative release scenario analysis [68.28]</p>	
<p>18. Identified and analyzed at least one alternative release scenario for each regulated toxic substance held in a covered process(es) and at least one alternative release scenario to represent all flammable substances held in covered processes? [68.28(a)]</p>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
<p>19. Selected a scenario: [68.28(b)]</p> <p><input checked="" type="checkbox"/> That is more likely to occur than the worst-case release scenario under 68.25? [68.28(b)(1)(i)]</p> <p><input type="checkbox"/> That will reach an endpoint off-site, unless no such scenario exists? [68.28(b)(1)(ii)]</p>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
<p>20. Considered release scenarios which included, but are not limited to, the following: [68.28(b)(2)]</p> <p><input type="checkbox"/> Transfer hose releases due to splits or sudden hose uncoupling? [68.28(b)(2)(i)]</p> <p><input checked="" type="checkbox"/> Process piping releases from failures at flanges, joints, welds, valves and valve seals, and drains or bleeds? [68.28(b)(2)(ii)]</p> <p><input checked="" type="checkbox"/> Process vessel or pump releases due to cracks, seal failure, or drain, bleed, or plug failure? [68.28(b)(2)(iii)]</p> <p><input checked="" type="checkbox"/> Vessel overfilling and spill, or overpressurization and venting through relief valves or rupture disks? [68.28(b)(2)(iv)]</p> <p><input checked="" type="checkbox"/> Shipping container mishandling and breakage or puncturing leading to a spill? [68.28(b)(2)(v)]</p>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

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21. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.28(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
22. Determined the rate of release to air by using the methodology in the RMP Offsite Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or proprietary models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.28(c)] What modeling technique did the owner or operator use? [68.25(g)] <u>ALOHA</u>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
23. Ensured that the passive and active mitigation systems, if considered, are capable of withstanding the release event triggering the scenario and will be functional? [68.28(d)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
24. Considered the following factors in selecting the alternative release scenarios: [68.28(e)] <input type="checkbox"/> The five-year accident history provided in 68.42? [68.28(e)(1)] <input checked="" type="checkbox"/> Failure scenarios identified under 68.50? [68.28(e)(2)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Hazard Assessment: Defining off-site impacts–Population [68.30]	
25. Estimated population that would be included in the distance to the endpoint in the RMP based on a circle with the point of release at the center? [68.30(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
26. Identified the presence of institutions, parks and recreational areas, major commercial, office, and industrial buildings in the RMP? [68.30(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
27. Used most recent Census data, or other updated information to estimate the population? [68.30(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
28. Estimated the population to two significant digits? [68.30(d)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Hazard Assessment: Defining off-site impacts–Environment [68.33]	
29. Identified environmental receptors that would be included in the distance to the endpoint based on a circle with the point of release at the center? [68.33(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
30. Relied on information provided on local U.S.G.S. maps, or on any data source containing U.S.G.S. data to identify environmental receptors? [Source may have used LandView to obtain information] [68.33(b)] <u>MARPLOT</u>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Hazard Assessment: Review and update [68.36]	
31. Reviewed and updated the off-site consequence analyses at least once every five years? [68.36(a)] The review was due 6/2004.	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A
32. Completed a revised analysis and submit a revised RMP within six months of a change in processes, quantities stored or handled, or any other aspect that might reasonably be expected to increase or decrease the distance to the endpoint by a factor of two or more? [68.36(b)]	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A
Hazard Assessment: Documentation [68.39]	
33. For worst-case scenarios: a description of the vessel or pipeline and substance selected, assumptions and parameters used, the rationale for selection, and anticipated effect of the administrative controls and passive mitigation on the release quantity and rate? [68.39(a)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
34. For alternative release scenarios: a description of the scenarios identified, assumptions and parameters used, the rationale for the selection of specific scenarios, and anticipated effect of the administrative controls and mitigation on the release quantity and rate? [68.39(b)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
35. Documentation of estimated quantity released, release rate, and duration of release? [68.39(c)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
36. Methodology used to determine distance to endpoints? [68.39(d)]	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

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37. Data used to estimate population and environmental receptors potentially affected? [68.39(e)]

☒ Y ☐ N ☐ N/A**Hazard Assessment: Five-year accident history [68.42]**

38. Has the owner or operator included all accidental releases from covered processes that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage? [68.42(a)]

☐ Y ☐ N ☒ N/A

39. Has the owner or operator reported the following information for each accidental release: [68.42(b)]

☐ Y ☐ N ☒ N/A☐ Date, time, and approximate duration of the release? [68.42(b)(1)]☐ Chemical(s) released? [68.42(b)(2)]☐ Estimated quantity released in pounds and percentage weight in a mixture (toxics)? [68.42(b)(3)]☐ NAICS code for the process? [68.42(b)(4)]☐ The type of release event and its source? [68.42(b)(5)]☐ Weather conditions (if known)? [68.42(b)(6)]☐ On-site impacts? [68.42(b)(7)]☐ Known offsite impacts? [68.42(b)(8)]☐ Initiating event and contributing factors (if known)? [68.42(b)(9)]☐ Whether offsite responders were notified (if known)? [68.42(b)(10)]☐ Operational or process changes that resulted from investigation of the release? [68.42(b)(11)]**Section C: Prevention Program**

Implemented the Program 2 prevention requirements as provided in 40 CFR 68.48 - 68.60?

☐ S ☒ M ☐ U ☐ N/A

Comments:

Prevention Program- Safety information [68.48]

1. Compiled and maintained the following up-to-date safety information, related to the regulated substances, processes, and equipment: [68.48(a)]

☒ Y ☐ N ☐ N/A☒ Material Safety Data Sheets (MSDS) that meet the requirements of the OSHA Hazard Communication Standard [29 CFR 1910.1200(g)]? [68.48(a)(1)]☒ Maximum intended inventory of equipment in which the regulated substances are stored or processed? [68.48(a)(2)]☒ Safe upper and lower temperatures, pressures, flows, and compositions? [68.48(a)(3)]☒ Equipment specifications? [68.48(a)(4)]☒ Codes and standards used to design, build, and operate the process? [68.48(a)(5)]

2. Ensured the process is designed in compliance with recognized and generally accepted good engineering practices? [68.48(b)]

☒ Y ☐ N ☐ N/A

3. Updated information if a major change has occurred that made the information inaccurate? [68.48(c)]

☐ Y ☐ N ☒ N/A**Prevention Program- Hazard review [68.50]**

4. Has the owner or operator conducted a review of the hazards associated with the regulated substances, processes, and procedures? [68.50(a)] A format was developed but not completed.

☐ Y ☒ N ☐ N/A

RMP Program Level 2 Process ChecklistFacility Name: **Bethany Water Plant**

- | | |
|---|---|
| 5. Did the review identify:
<input type="checkbox"/> The hazards associated with the process and regulated substances? [68.50(a)(1)]
<input type="checkbox"/> Opportunities for equipment malfunctions or human errors that could cause an accidental release? [68.50(a)(2)]
<input type="checkbox"/> The safeguards used or needed to control the hazards or prevent equipment malfunctions or human error? [68.50(a)(3)]
<input type="checkbox"/> Any steps used or needed to detect or monitor releases? [68.50(a)(4)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |
| 6. Determined by inspecting all equipment that the processes are designed, fabricated, and operated in accordance with applicable standards or rules, if designed to meet industry standards or Federal or state design rules? [68.50(b)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |
| 7. Documented the results of the review? [68.50(c)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |
| 8. Ensured that problems identified were resolved in a timely manner? [68.50(c)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |
| 9. Updated the review at least once every five years or whenever a major change in the processes occurred? [68.50(d)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |
| 10. Resolved all issues identified in the review before startup of the changed process? [68.50(d)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |

Prevention Program- Operating procedures [68.52]

- | | |
|--|---|
| 11. Has the owner or operator prepared written operating procedures that provide clear instructions or steps for safely conducting activities associated with each covered process consistent with the safety information for that process? (Operating procedures or instructions provided by equipment manufacturers or developed by persons or organizations knowledgeable about the process and equipment may be used as a basis for a stationary source's operating procedures.) [68.52(a)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 12. Do the procedures address the following: [68.52(b)]
<input checked="" type="checkbox"/> Initial startup? [68.52(b)(1)]
<input checked="" type="checkbox"/> Normal operations? [68.52(b)(2)]
<input type="checkbox"/> Temporary operations? [68.52(b)(3)]
<input checked="" type="checkbox"/> Emergency shutdown and operations? [68.52(b)(4)]
<input checked="" type="checkbox"/> Normal shutdown? [68.52(b)(5)]
<input checked="" type="checkbox"/> Startup following a normal or emergency shutdown or a major change that requires a hazard review? [68.52(b)(6)]
<input type="checkbox"/> Consequences of deviations and steps required to correct or avoid deviations? [68.52(b)(7)]
Need consequences of deviation in the operating procedures.
<input checked="" type="checkbox"/> Equipment inspections? [68.52(b)(8)] | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A |
| 13. Has the owner or operator ensured that the operating procedures have been updated, if necessary, whenever a major change occurred and prior to startup of the changed process? [68.52(c)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |

Prevention Program - Training [68.54]

- | | |
|--|---|
| 14. Certified that each employee presently operating a process, and each employee newly assigned to a covered process have been trained or tested competent in the operating procedures provided in § 68.52 that pertain to their duties? (For those employees already operating a process on June 21, 1999, the owner or operator may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as provided in the operating procedures.) [68.54(a)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 15. Provided refresher training at least every three years, or more often if necessary, to each employee operating a process, to ensure that the employee understands and adheres to the current operating procedures of the process? [68.54(b)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |

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- | | |
|--|---|
| 16. Determined, in consultation with the employees operating the process, the appropriate frequency of refresher training? [68.54(b)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 17. Certified that each employee was trained in any updated or new procedures prior to startup of a process after a major change? [68.54(d)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |

Prevention Program - Maintenance [68.56]

- | | |
|--|---|
| 18. Prepared and implemented procedures to maintain the on-going mechanical integrity of the process equipment? [68.56(a)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 19. Trained or caused to be trained each employee, involved in maintaining the on-going mechanical integrity of the process, in the hazards of the process, in how to avoid or correct unsafe conditions, and in the procedures applicable to the employee's job tasks? [68.56(b)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 20. Has every maintenance contractor ensured that each contract maintenance employee is trained to perform the maintenance procedures developed? [68.56(c)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |
| 21. Has the owner or operator performed or caused to be performed inspections and tests on process equipment that follow recognized and generally accepted engineering practices? [68.56(d)] | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A |

Prevention Program - Compliance audits [68.58]

- | | |
|---|---|
| 22. Has the owner or operator certified that compliance audits are conducted at least every three years to verify that the procedures and practices are adequate and are being followed? [68.58(a)] | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A |
| 23. Has compliance audit been conducted by at least one person knowledgeable in the process? [68.58(b)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |
| 24. Has the owner operator developed a report of the audits findings? [68.58(c)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |
| 25. Has the owner or operator promptly determined and documented an appropriate response to each of the findings of the audit and documented that deficiencies had been corrected? [68.58(d)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |
| 26. Has the owner or operator retained the two most recent compliance audit reports, unless more than five years old? [68.58(e)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |

Prevention Program - Incident investigation [68.60]

- | | |
|--|---|
| 27. Has the owner or operator investigated each incident that resulted in, or could reasonably have resulted in a catastrophic release? [68.60(a)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |
| 28. Were all incident investigations initiated not later than 48 hours following the incident? [68.60(b)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |
| 29. Was a summary prepared at the conclusion of every investigation, which included: [68.60(c)]
<input type="checkbox"/> Date of incident? [68.60(c)(1)]
<input type="checkbox"/> Date investigation began? [68.60(c)(2)]
<input type="checkbox"/> A description of incident? [68.60(c)(3)]
<input type="checkbox"/> The factors that contributed to the incident? [68.60(c)(4)]
<input type="checkbox"/> Any recommendations resulting from the investigation? [68.60(c)(5)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |
| 30. Has the owner or operator promptly addressed and resolved the investigation findings and recommendations, and are the resolutions and corrective actions documented? [68.60(d)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |
| 31. Has the owner or operator reviewed the finding with all affected personnel whose job tasks are affected by the findings? [68.60(e)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |
| 32. Has the owner or operator retained investigation summaries for five years? [68.60(f)] | <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A |

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Section D - Emergency Response [68.90 - 68.95]

Developed and implemented an emergency response program as provided in 40 CFR 68.90-68.95?

☒ S

☐ M

☐ U

☐ N/A

Comments:

1. Is the facility designated as a "first responder" in case of an accidental release of regulated substances?

☐ Y

☒ N

☐ N/A

1.a. If the facility is not a first responder:

1.a.(1) For stationary sources with any regulated substances held in a process above threshold quantities, is the source included in the community emergency response plan developed under 42 U.S.C. 11003? [68.90(b)(1)]

☒ Y

☐ N

☐ N/A

1.a.(2) For stationary sources with only regulated flammable substances held in a process above threshold quantities, has the owner or operator coordinated response actions with the local fire department? [68.90(b)(2)]

☐ Y

☐ N

☒ N/A

1.a.(3) Are appropriate mechanisms in place to notify emergency responders when there is need for a response? [68.90(b)(3)]

☒ Y

☐ N

☐ N/A

2. An emergency response plan is maintained at the stationary source and contains the following? [68.95(a)(1)]

☒ Y

☐ N

☐ N/A

☒ Procedures for informing the public and local emergency response agencies about accidental releases? [68.95(a)(1)(i)]

☒ Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures? [68.95(a)(1)(ii)]

☒ Procedures and measures for emergency response after an accidental release of a regulated substance? [68.95(a)(1)(iii)]

3. The emergency response plan contains procedures for the use of emergency response equipment and for its inspection, testing, and maintenance? [68.95(a)(2)]

☐ Y

☐ N

☒ N/A

4. The emergency response plan requires, and there is documentation of, training for all employees in relevant procedures? [68.95(a)(3)]

☐ Y

☐ N

☒ N/A

5. The owner or operator has developed and implemented procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and ensure that employees are informed of changes? [68.95(a)(4)]

☒ Y

☐ N

☐ N/A

6. Did the owner or operator use a written plan that complies with other Federal contingency plan regulations or is consistent with the approach in the National Response Team's Integrated Contingency Plan Guidance ("One Plan")? If so, does the plan include the elements provided in paragraph (a) of 68.95, and also complies with paragraph (c) of 68.95? [68.95(b)]

☒ Y

☐ N

☐ N/A

7. Has the emergency response plan been coordinated with the community emergency response plan developed under EPCRA? [68.95(c)]

☒ Y

☐ N

☐ N/A

Section E - Risk Management Plan [40 CFR 68.190 - 68.195]

1. Does the single registration form include, for each covered process, the name and CAS number of each regulated substance held above the threshold quantity in the process, the maximum quantity of each regulated substance or mixture in the process (in pounds) to two significant digits, the five- or six-digit NAICS code that most closely corresponds to the process and the Program level of the process? [68.160(b)(7)]

☒ Y

☐ N

☐ N/A

RMP Program Level 2 Process Checklist

Facility Name: Bethany Water Plant

<p>2. Has the owner or operator reviewed and updated the RMP and submitted it to EPA [68.190(a)]? Reason for update:</p> <p><input type="checkbox"/> Five-year update. [68.190(b)(1)] Five year update has not been filed.</p> <p><input type="checkbox"/> Within three years of a newly regulated substance listing. [68.190(b)(2)]</p> <p><input type="checkbox"/> At the time a new regulated substance is first present in an already regulated process above threshold quantities. [68.190(b)(3)]</p> <p><input type="checkbox"/> At the time a regulated substance is first present in a new process above threshold quantities. [68.190(b)(4)]</p> <p><input type="checkbox"/> Within six months of a change requiring revised PHA or hazard review. [68.190(b)(5)]</p> <p><input type="checkbox"/> Within six months of a change requiring a revised OCA as provided in 68.36. [68.190(b)(6)]</p> <p><input type="checkbox"/> Within six months of a change that alters the Program level that applies to any covered process. [68.190(b)(7)]</p>	<p><input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A</p>
<p>3. If the owner or operator experienced an accidental release that met the five-year accident history reporting criteria (as described at 68.42) subsequent to April 9, 2004, did the owner or operator submit the information required at 68.168, 68.170(j) and 68.175(l) within six months of the release or by the time the RMP was updated as required at 68.190, whichever was earlier. [68.195(a)]</p>	<p><input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A</p>
<p>4. If the emergency contact information required at 68.160(b)(6) has changed since June 21, 2004, did the owner or operator submit corrected information within thirty days of the change? [68.195(b)]</p>	<p><input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A</p>



The City of Bethany
Water Treatment Plant
PO Box 219
Bethany, Oklahoma 73008

RECEIVED
2005 JUL 28 PM 2:05
RESPONSE AND
PREVENTION BRANCH

July 11, 2005

Elizabeth R. Rogers
112 (r) Compliance Officer
Superfund Division (6SF-RC)
United States Environmental Agency Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Dear Elizabeth R. Rogers,

The City of Bethany has received an Expedited Settlement Plan, issued in response to a violation of Section 112(r)(7) of the Clean Air Act. The City of Bethany accepts this judgment, Docket #06-2005-3551. Due to the timing of our City Council meetings, a check for this violation cannot be processed before July 19, 2005. The City of Bethany is requesting an extension of time to allow our council an opportunity to review and authorize payment for this citation. The check for the penalty will be immediately processed after the July 19, 2005 Bethany City Council Meeting.

Dan Bridgforth

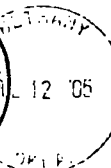
Utility Superintendent



The City of Bethany

Bethany means Business

6700 N.W. 36th Street, P.O. Box 219
Bethany, Oklahoma 73008



Elizabeth R. Rogers
112 (r) Compliance Officer
Superfund Division (6SF-RC)
USEPA Region 6
1145 Ross Ave.
Dallas, Texas
75202-2733

75202/2733





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 28 2005

Mr. Dan Bridgeforth
Utilities Superintendant
City of Bethany
P.O. Box 239
Bethany, OK 73008

Re: Expedited Settlement Agreement (ESA) for Risk Management Plan Inspection Findings,
Alleged Violations and Proposed Penalty
Docket No. 06-2005-3551

Dear Mr. Bridgeforth:

Your request for a 45-day extension of time to bring the your facility into compliance with the Risk Management Program is approved. The new date for signing and returning the original ESA and paying the penalty is September 09, 2005.

If you have any questions, you may contact me at (214) 665-6632.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Goodfellow", with a long horizontal line extending to the right.

Bob Goodfellow
Environmental Scientist
Response and Prevention Branch
EPA Region 6

Mr. Dan Bridgeforth
Utilities Superintendant
City of Bethany
P.O. Box 239
Bethany, OK 73008

Re: Expedited Settlement Agreement (ESA) for Risk Management Plan Inspection Findings,
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Sincerely,

Bob Goodfellow
Environmental Scientist
Response and Prevention Branch
EPA Region 6

FY 2004 Inspection Conclusion Data Sheet (ICDS) Form for ICIS Reporting

- * Data elements required to be completed for the ICIS system
 - ** Data elements required for Inspection Conclusion Data Sheet reporting
- Data elements that do not have asterisks are optional

For Data Entry Staff Use Only

- Date information is Entered into ICIC (mm/dd/year):

EPA Inspector Name: Bob Hales

EBA Inspector Phone: (214) 665-6492

THIS FORM MIRRORS THE FORMAT OF THE ICIS DATA ELEMENTS

1. *Compliance Activity Type: Compliance Inspection
2. *Compliance Monitoring Activity Name: City of Bethany Water Plant
3. Compliance Monitoring Type: CAA 112(r)(7) Inspection (i.e. Site Visit)
4. *Region: 6
5. *Facility's Name and Location: City of Bethany Water Plant - Bethany, OK
6. Planned Start: (mm dd,yyyy)
7. Planned End: (mm dd, yyyy)
8. **Actual Start: 4/27/2005 (mm dd, yyyy)
9. **Actual End: 4/27/2005 (mm dd, yyyy)
10. *Federal Statutes: CAA
11. *Sections: CAA 112(r)(7) Prevention of Accidental Release/Risk Management Plans
12. **Citations: 40 CFR Part 68
13. *Programs: No Entry Needed
14. **SIC (4-Digit) _ or NAICS Code (5-Digit) 22131
15. Media Monitored: None
16. *Compliance Monitoring Action Reason:
Agency Priority ☐ Citizen Complaint/Tip ☐ Core Program ☒
Selected Monitoring Action ☐ Random Evaluation or Inspection ☐
17. *Compliance Monitoring Agency Type: EPA
18. If State, local or Tribal lead, did EPA assist: Does not apply to ICDS activity. Leave Box Blank
19. Number of days physically conducting the activity: 1

20. Number of hours physically conducting the activity: 02:50

21. Compliance Monitoring Action Outcome: Check *one* (if known at the time of the activity)

Administrative ☐ Immediately Corrected ☐ Judicial ☐ No Violation ☐
No Compliance Monitoring (access denied) ☐ No Compliance Monitoring (facility closed) ☐
Not Immediately Corrected ☒ Notice of Determination ☐ Under Review ☐ Withdrawn ☐

22. MOA Priorities: (Circle only one that applies from the following)

23. Regional Priorities: EPCRA and CAA Section 112(r) Accident History by Facility

24. **Did you observe deficiencies (Potential violations) during the on-site inspection? Yes ☒ No ☐

**If you observed deficiencies, did you communicate them to the facility during the inspection?

Yes ☒ No ☐

**If deficiencies were observed, select one or more of the following:

- ☐ Potential violation of a compliance schedule in an enforceable order
- ☒ Potential failure to maintain a record or failure to disclose a document
- ☐ Potential failure to maintain/inspect/repair equipment, including meters, sensors and recording equipment
- ☒ Potential failure to complete or submit a notification, report, certification or manifest
- ☐ Potential failure to obtain a permit, product approval, or certification
- ☐ Potential failure to follow a required sampling or monitoring procedure or laboratory procedure
- ☐ Potential failure to follow or develop a required management practice or procedure
- ☐ Potential failure to identify and manage a regulated waste or pollutant in any media
- ☐ Potential failure to report regulated events, such as spills, accidents, etc
- ☐ Potential incorrect use of a material (e.g. pesticide, waste product) or use of improper/unapproved material
- ☐ Potential failure to follow a permit condition
- ☐ Potential excess emission in violation of a regulation

25. **Did you observe or see the facility take any actions during the inspection to address the deficiencies communicated to the facility? Yes ☐ No ☒

If yes, check only the action(s) actually observed/seen and/or write a short description of the action in the "Optional" section. (Check all of the actions that apply)

Action(s) Taken:

- ☐ Complete(d) a Notification or Report
- ☐ Correct(ed) Monitoring Deficiencies
- ☐ Correct(ed) Record Keeping Deficiencies
- ☐ Implemented New or Improved Management Practices or Procedures
- ☐ Improved Pollutant Identification (e.g., Labeling, Manifesting, Storage, etc)
- ☐ Reduced Pollution (e.g., Use Reduction, Industrial Process Change, Emissions or Discharge Change, etc)
- ☐ Requested a Permit Application or Applied for a Permit
- ☐ Verified Compliance with Previously Issued Enforcement Action – Part or All Conditions

The following common air or water pollutants should only be checked if the "Reduced Pollution" action was checked.

Water: Ammonia ☐, BOD ☐, COD ☐, TSS ☐, O&G ☐, Total Coliform ☐, D.O. ☐, Metals V, Cyanide ☐
Other:

Air: NOx ☐, SO2 ☐, PM ☐, VOC ☐, Metals ☐, HAPs ☐, CO ☐
Other:

26. Did you provide general compliance assistance in accordance with the policy on the Role of the EPA Inspector in Providing Compliance Assistance During Inspection? Yes ☐ No ☐

27. Did you provide site-specific compliance assistance in accordance with the policy on the Role of the EPA Inspector in Providing Compliance Assistance During Inspections? Yes ☐ No ☐

Note: This form does not require EPA inspectors to provide compliance assistance.

Optional Information: (Describe actions taken by the facility or assistance provided to the facility)